



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,136	09/26/2003	Lalitha Vaidyanathan	1018-001US03	6107

28863 7590 09/07/2004
SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,136	VAIDYANATHAN ET AL.	
	Examiner	Art Unit	
	Jan Mooneyham	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003 and 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the communication filed on September 26, 2003 and March 11, 2004. Claims 49-63 are currently pending in this application. Claims 1-48 were canceled by preliminary amendment.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on December 1, 2003 and May 28, 2004 are being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant identifies the invention as the method of claim 49. Claim 49 is a system

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3629

4. Claims 49-54 and 57-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Israel et al (US 6,766,307) (hereinafter referred to as Israel).

Referring to Claims 49 and 58:

Israel discloses a method and system for performing the method comprising: providing an online dispute resolution system electronically coupled to a marketplace that provides a website by which users buy and sell items (Fig. 1, col. 7, lines 43 thru 52, col. 8, line 48 thru col. 9, line 15); electronically receiving with the online dispute resolution system transaction data from the marketplace that describes transactions within the marketplace (col. 6, lines 10-24, col. 16, lines 36-46); and utilizing the transaction data in accordance with a dispute resolution process to assist the users in resolving disputes relating to the transactions within the electronic marketplace (col. 6, lines 10-24, col. 7, line 65 thru col. 8, line 10, col. 9, lines 56-67, col. 14, lines 5-8, col. 17, line 44 thru col. 18, line 4, col. 22, lines 45-67).

Referring to Claims 50 and 59:

Israel discloses a method and system for performing the method further comprising: electronically receiving with the online dispute resolution system communications from the users of the electronic marketplace to initiate filing of disputes (col. 8, line 58 thru col. 9, line 15); and initiating the online dispute resolution process in response to the communications (col. 4, lines 30-58, col. 8, line 58 thru col. 9, line 15).

Art Unit: 3629

Referring to Claims 51 and 60:

Israel discloses a method and a system for performing the method further comprising:
electronically receiving with the online dispute resolution system enrollment requests from the sellers of the marketplace (col. 8, line 58 thru col. 9, line 15); and
automatically initiating enrollment of the sellers within the dispute resolution system in response to the request (col. 3, lines 5-34, col. 9, lines 16-29, 30-42, col. 10, lines 21-31, col. 11, line 55 thru col. 12, line 6, col. 12, lines 29-53, col. 13, lines 38-46, col. 15 – Program User Access).

Referring to Claim 52:

Israel discloses a system wherein the online dispute resolution system comprises a membership profile database that maintains status information for the sellers and buyers of the marketplace that are members of the online dispute resolution system (col. 9, lines 16-42) and
wherein the online dispute resolution system electronically communicates the status information to the marketplace (col. 9, lines 31-36, col. 10, lines 32-65, Fig. 2) .

Referring to Claim 53:

Israel discloses a system wherein the online dispute resolution system further comprises a server to service requests from the marketplace and to exchange data between the online dispute resolution system and the marketplace (Figs. 1-2, col. 9, lines 43-67, col. 10 – Management Module).

Referring to Claim 54:

Israel discloses a system wherein the online dispute resolution system comprises a data manager software application to automatically communicate data between a database of the online dispute resolution system and a database of the electronic marketplace (Fig. 2, col. 8, line 48 thru col. 9, line 67).

Referring to Claims 57 and 63:

Israel discloses a method and system for performing the method further comprising embedding uniform resource locators associated with the dispute resolution system within a hypertext markup language application for the website of the electronic marketplace to enable the users of the electronic marketplace to automatically access the dispute resolution system from the electronic marketplace and file disputes (col. 8, line 48- col. 9, line 15 (hotlinks)).

Referring to Claim 61:

Israel discloses a method further comprising; electronically communicating data that relates to the online dispute resolution process to the electronic marketplace (col. 8, line 49 thru col. 9, line 5), and updating the electronic marketplace based on the data received from the dispute resolution system (col. 10, lines 13-20, col. 22, line 45 thru col. 23, line 35).

Referring to Claim 62:

Israel discloses a method wherein updating the electronic marketplace comprises: displaying visual indicia associated with users of the electronic marketplace that participate in the dispute resolution system within the website (col. 8, line 48- col. 9, line 15); and

Art Unit: 3629

controlling the appearance of the visual indicia as a function of data received from the dispute resolution system (col. 8, line 48 thru col. 9, lines 15, col. 23, lines 21-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel as applied to claim 49 above, and further in view of Sloo (Us 5,895,450).

Israel discloses the system of claim 49. Israel does not disclose:
a system wherein the online dispute resolution system electronically communicates rating data to the marketplace that relates to participation of the buyers and sellers of the marketplace within the online dispute resolution process or a system wherein the online dispute resolution system maintains the rating data based on compliance of the buyers and sellers to final decisions made in the resolution of the disputes.

However, Sloo discloses a system wherein the online dispute resolution system electronically communicates rating data to the marketplace that relates to participation of the buyers and sellers of the marketplace within the online dispute resolution process or a system wherein the online dispute resolution system maintains the rating data based on compliance of the buyers and sellers to final decisions made in the resolution of the disputes (col. 2, lines 7-20, 53-65, col. 11, lines 37-43 - monitor compliance).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate into the disclosure of Israel the teachings of Sloo since the ratings can be used to hold the parties accountable for their conduct during the attempted resolution of the disputes to encourage good conduct and cooperation between the parties during the course of the disputes (col. 2, lines 12-20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elangovan, AR discloses a prescriptive model guide managers' interventions in disputes.

NEC Corp discloses a consumer dispute settlement system with includes mediation.

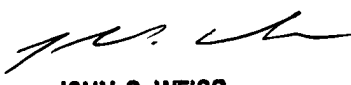
Art Unit: 3629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600